



UNITED STATES PATENT AND TRADEMARK OFFICE

mt

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,018	09/20/2001	James E. Kaminkow	0112300-581	2458
29159	7590	10/01/2003		
BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			EXAMINER ASHBURN, STEVEN L	
			ART UNIT 3714	PAPER NUMBER 5
DATE MAILED: 10/01/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/957,018

Applicant(s)

KAMINKOW, JAMES E.

Examiner

Steven Ashburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 2, 10, 17, 22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

In this case, the applicant employs the term “Boolean OR” is used to mean “a function that outputs the maximum value from a set of input values”. However the accepted meaning is “a logical function that outputs the value of true if any input is true.” The term is indefinite because the specification does not clearly redefine the term.

Notably, the applicant’s use of “Boolean OR” in claim 1 is also applied contrary to the term’s ordinary meaning. In this claims the term is appears to mean “a function that outputs one value from a set of input values”. The examiner notes that the specification does not describe how the function determines which value is selected (e.g. randomly). Nevertheless, the specification is sufficiently clear to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term.

Regardless, this use of the “Boolean OR” in claim 1 does not comport with its use in claims 2, 10, 17, 22 and 24.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 and 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al., European Pat. Appl. 0984409 A2 (August 3, 2000).

In regards to claim 1: The gaming device disclosed by *Thomas* teaches the following features of the claims:

- a. A display device. *See fig 1a(12)(24).*
- b. A processor in communication with the display device. *See fig 1b(26).*
- c. A plurality of inputs adapted to be displayed by the player by the display device and a plurality of values associated with the inputs. *See fig. 2, 4, 6, 8.* More specifically, the reel symbols (1-24) constitute inputs and the tables display the values associated with the reel symbols.
- d. At least one set of values determined by the player's selection of the inputs. *See id.* More specifically, a player's selection of inputs is determined by the symbols which are randomly displayed on the gaming device's payline. The examiner notes that determining player selections by manual picking inputs from a set of masked selections on a display is a equivalent method known for the same purpose of generating a random outcome in a gaming device.
- e. At least one award generated by applying a "Boolean OR" operator to the values of the set. More specifically, in any one of the symbols in the player selection is a collection symbol (e.g. cash cow), the game generates an award. *See col. 13:10-36.*

In regards to claims 2, 10, 17, 22 and 24: It is implicit in *Thomas* that the “Boolean OR” operator generates the largest value in the set. More specifically, under the circumstances, where the only award in the player set is a collection symbol, then the operation will generated the largest award in the set.

In regards to claims 3 and 4: *Thomas* additionally discloses a plurality of sets of values determined by the player selection of inputs. More specifically, *Thomas* teaches that the game machine may have a plurality of payline configurations. *See col. 4:34-5:17, 15:24-39*. Each payline constitutes a set of outcomes. Hence, *Thomas* describes a game which includes a plurality of sets (i.e. paylines) that each yield an award by applying a “Boolean OR” operation to the sets (i.e. generating an award if a collection symbol appears on any reel of a payline) and providing a resulting award by performing at least one mathematical operation on the awards from the sets (i.e. adding the outcomes of each payline).

In regards to claims 5, 12, 13 and 19: *Thomas* additionally suggests “AND-ing” the results of the generated sets of outcomes by adding the values. *See id.*

In regards to claim 6, 14, and 25: The gaming device disclosed by *Thomas* teaches the following features of the claims:

- a. A display device. *See fig 1a(12)(24)*.
- b. A processor in communication with the display device. *See fig 1b(26)*.
- c. A plurality of inputs adapted to be displayed by the player by the display device and a plurality of values associated with the inputs. *See fig. 2, 4, 6, 8*. More specifically, the reel symbols (1-24) constitute inputs and the tables display the values associated with the reel symbols.

- d. A plurality of sets of values determined by the player selection of inputs. More specifically, *Thomas* teaches that the game machine may have a plurality of payline configurations. *See col. 4:34-5:17, 15:24-39*. Each payline constitutes a set of outcomes.
- e. A plurality of awards generated by the processor by performing a “Boolean OR” to the values of the sets. More specifically, if any one of the symbols in the player selection is a collection symbol (e.g. cash cow), the game generates an award. *See col. 13:10-36*.
- f. At least one award generated by applying a mathematical operation to the awards generated by the sets. More specifically, the outcomes of the standard outcomes and the collection symbols are added. *See col. 4:34-5:17, 15:24-39*.

In regards to claim 7: *Thomas* additionally describes displaying inputs and revealing values associated with inputs that are not selected by the player. *See id.* More specifically, the display devices displays symbols for paylines that are not activated.

In regards to claims 8, 9 and 15: The gaming device disclosed by *Thomas* teaches the following features of the claims:

- g. A display device. *See fig 1a(12)(24)*.
- h. A processor in communication with the display device. *See fig 1b(26)*.
- i. A plurality of inputs adapted to be displayed by the player by the display device and a plurality of values associated with the inputs. *See fig. 2, 4, 6, 8*. More specifically, the reel symbols (1-24) constitute inputs and the tables display the values associated with the reel symbols.

- j. A plurality of sets of values determined by the player selection of inputs. More specifically, *Thomas* teaches that the game machine may have a plurality of payline configurations. *See col. 4:34-5:17, 15:24-39*. Each payline constitutes a set of outcomes.
- f. Generated awards by applying a “Boolean OR” operator to the values of the set. More specifically, in any one of the symbols in the player selection is a collection symbol (e.g. cash cow), the game generates an award. *See col. 13:10-36*.
- k. At least one award generated by applying a “Boolean OR” operator to the values of the sets. More specifically, a player is awarded for any standard combinations or collection symbols.. *See col. 15:23-39*.

In regards to claim 11: *Thomas* additionally teaches a resulting award by performing at least one mathematical operation on the awards from the sets. More specifically, *Thomas* modifies the payout depending on the number of coins wagered by the player. *See fig. 4-8; col. 14:33-57*.

In regards to claims 16 and 23: The gaming device disclosed by *Thomas* teaches the following features of the claims:

- l. A display device. *See fig 1a(12)(24)*.
- m. A processor in communication with the display device. *See fig 1b(26)*.
- n. A plurality of inputs adapted to be displayed by the player by the display device and a plurality of values associated with the inputs. *See fig. 2, 4, 6, 8*. More specifically, the reel symbols (1-24) constitute inputs and the tables display the values associated with the reel symbols.

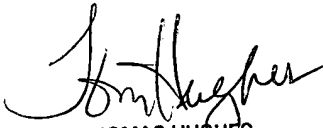
Art Unit: 3714

- o. A plurality of sets of values determined by the player selection of inputs. More specifically, *Thomas* teaches that the game machine may have a plurality of payline configurations. *See col. 4:34-5:17, 15:24-39.* Each payline constitutes a set of outcomes.
- p. A plurality of awards generated by the processor by performing at least one mathematical operation on the values of the sets. *See fig. 4-8; col. 14:33-57.*
- q. At least one award generated by applying a "Boolean OR" operator to the values of the sets. More specifically, a player is awarded for any standard combinations or collection symbols.. *See col. 15:23-39.*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

s.a.
September 17, 2003


S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700